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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,538	01/29/2002	Dale Knoop	1799	5786
28005	7590	01/31/2006	EXAMINER	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,538

Applicant(s)

Knoop

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on March 14, 2005. **Claims 1-21** are still pending in the present application. **This Action is made FINAL.**

Drawings

2. The replacement drawing sheets filed on March 14, 2005 have been accepted by the Examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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4. **Claims 1-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mosher et al. (U.S. Patent Application Publication # 2002/0099790 A1)** in view of **Granade et al. (U.S. Patent Application Publication # 2002/0103881 A1)** and further in view of **Schwartz et al., U.S. Patent Application Publication # 2002/0160790 A1).**

Consider **claims 1, 12, and 13**, Mosher et al. clearly show and disclose a method of selecting a transmission mode for streaming media content to a wireless handset (figures 3A-3G, 5 and 6, and paragraphs 0015 and 0034-0040), the method comprising:

presenting on the wireless handset a set of choices indicating transmission modes for streaming media content to the wireless handset (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277);

receiving from a user of the wireless handset an indication of a transmission mode selected from the set of choices (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277);

sending from the wireless handset to a media server an indication of the selected transmission mode (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277); and

receiving into the wireless handset media content streamed from the media server at the selected transmission mode (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277).

However, Mosher et al. do not specifically disclose that the set of choices is tailored based on at least one presentation capability of the wireless handset.

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Granade et al. clearly show and disclose a method for selecting a transmission for streaming media content to a wireless handset in which a set of choices is tailored based on at least one presentation capability of the wireless handset for the purpose of facilitating presentation of the media content (abstract, figures 1, 3, and 6-8, and paragraphs 0010, 0012, 0025, 0029, 0029, 0043-0046, 0060-0062, and 0069-0071).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to tailor the set of choices based on the presentation capability of the handset as taught by Granade et al. in the method taught by Mosher et al. for the purpose of facilitating presentation of the media content.

However, Mosher et al., as modified by Granade et al., do not specifically disclose receiving a list of available media contents wherein all media content in the list of available media content is compatible with the indicated transmission mode and therefore capable of presentation on the wireless handset and receiving from a user a selection of one of the media content in the list of available media content.

In the same field of endeavor, Schwartz et al. clearly disclose a method of requesting a resource information by a mobile device over a wireless network from a link server, wherein the link server processes and converts the requested resource information based on the mobile device characteristics (paragraph 0060, lines 1-8 and paragraph 0010, lines 1-15). According to Schwartz et al., the mobile device characteristics may include the type and size of display screen and other information passed over the link server when a communication session is established between the mobile device and the link server, and during the process of the communication

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session, the data carrying the device characteristics of mobile device is received and maintained at the link server such that screen description data is generated in accordance with the device characteristics of the mobile device (paragraph 0060, lines 8-19 and paragraph 0111, lines 1-27). Schwartz et al. further teach the link server comprises a server module which maintains user identification information for a service application user to access memory to retrieve said one or more specifications (paragraph 0036, lines 1-23).

Therefore, it would therefore have been obvious to a person of ordinary skill in the art at the time of the invention to modify the method of Mosher et al., as modified by Granade et al., with the teachings of Schwartz et al. to obtain one or more specifications regarding characteristics of said mobile unit for processing said service information request using said one or more specifications to enable a resource information requested by a user of the mobile device to be converted to a more compact format to facilitate transmission over the wireless network and also render the resource information generated to fit the device characteristics of the mobile device as taught by Schwartz et al. (see paragraph 0060, lines 1-8 and paragraph 0010, lines 1-15).

Consider **claims 2, 3, and 8**, and **as applied to claim 1 above**, Mosher et al., as modified by Granade et al. and Schwartz et al., further show and disclose:

sending the set of choices from the media server to the wireless handset (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277); and

the media server establishing the set of choices to send to the wireless handset using a type of media content (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113,

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0122-0124, 0252, and 0277).

Consider **claims 4-7, 9-11, and 14-17**, and as applied to **claims 1, 3, and 12** above, Granade et al. further show and disclose sending from the wireless handset to the media server a capability indication for the wireless handset, wherein sending a capability indication further comprises sending from the wireless handset to the media server an indication of a make and model of the wireless handset (e.g., SIP INVITE message), wherein the capability indication indicates the at least one presentation capability, and wherein the at least one presentation capability defines a capability of a media player application, is selected by the user, and includes a plurality of presentation capabilities (abstract, figures 1, 3, and 6-8, and paragraphs 0010, 0012, 0025, 0029, 0029, 0043-0046, 0060-0062, and 0069-0071); and

the media server using the capability indication as a basis to establish the set of choices to send to the wireless handset (abstract, figures 1, 3, and 6-8, and paragraphs 0010, 0012, 0025, 0029, 0029, 0043-0046, 0060-0062, and 0069-0071).

Claims 18-21 are similarly rejected from the same reasons explained in detail above for **claims 1-17**.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-21** have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (571) 272-7915. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
 PRIMARY EXAMINER

October 17, 2005